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January 19, 2011

**VIA CM/ECF**

Hon. David N. Hurd  
United States District Court Judge  
U.S. District Court  
Northern District of New York  
Alexander Pirnie Federal Building and Courthouse  
10 Broad Street  
Utica, New York 13501

**Re: Morin v. Tormey, et al  
07-CV-0517 (DNH)(GJD)**

Dear Judge Hurd:


I am in receipt of e-filed letters from Attorney Quackenbush and Attorney Frumkin. It appears that Mr. Quackenbush is simply asking for a one day extension to allow Judge Hedges to obtain counsel to participate in a conversation with all other counsel on an accepted trial date. I do not oppose Mr. Quackenbush's request.

In the event that the Court wishes to schedule a trial date, please be advised that my client, Justice Tormey, would prefer that the trial occur the first or second week of May. Both Justice Tormey and I have multiple conflicts in June, including the marriage of Justice Tormey's son.

If the Court has any questions, please feel free to give me a call.

Respectfully,

COSTELLO, COONEY & FEARON, PLLC



Robert J. Smith

RJS/lja

Hon. David N. Hurd

January 19, 2011

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cc (via CM/ECF): William D. Frumkin, Esq.  
Charles J. Quackenbush, Esq.  
Edward Z. Menkin, Esq.  
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